UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,599	12/11/2003	Chris Fry	BEAS-01333US1 SRM/DTX	8210

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EXAMINER
CHANG, JUNGWON

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/733,599	FRY, CHRIS
	Examiner	**Art Unit**	
	Jungwon Chang	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11, 20-32, 34-37, 39-46, 48-51 and 53-60* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11, 20-32, 34-37, 39-46, 48-51 and 53-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to RCE and amendment filed on 10/31/2005.

Claims 1-11, 20-32, 34-37, 39-46 and 48-51 and 53-60 are presented for examination.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1-11, 20-32, 34-37, 39-46 and 48-51 and 53-60 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in

such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed

invention. Specifically the disclosure does not provide a description of "storing

information of the state in non-persistent memory". To the contrary, Examiner finds that

Figure 1 of the present application shows state information is stored in a "Persistent

Storage 111".

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-6, 9-11, 20-32, 34, 37, 39-46, 48, 51 and 53-60 are rejected under 35

U.S.C. 103(a) as being unpatentable over Iyer (2001/0037367), in view of Yamamoto

(2003/0037110) and Yasue (2003/0009525).

6.   As to claim 1, Iyer discloses the invention substantially as claimed, including a

system to provide conversation states (current state, 36, fig. 2; page 3, [0026], lines 3-5;

page 3, [0029], lines 5-8), comprising:

        a first computing device (recipient; client, fig. 1) capable of accepting a

message during a conversation between the first computing device and a conversation

partner (page 1, [0010]; conversation between an owner and a visitor; page 3, [0030];

negotiating the control of the virtual area between the first and the second users; page

5, claim 1) (visitor clients can connect to the shared area in order to communicate with

one another; page 2, [0022]);

        a second computing device (client, fig. 1) capable of:

        maintaining a state requested by the message (send a message to the existing

owner informing him that a new visitor wants to be a co-owner; page 4, [0037]; fig. 7)

and storing information of the state in memory (84, fig. 5) (70, 72, fig. 4b; page 1,

[0008], lines 10-18; page 2, [0026]; page 3, [0026]; page 3, [0030], lines 13-17); and

        a conversation manager (server, 18, figs. 1 and 6) capable of:

        providing the information of the state to the first computing device (figs. 2-3; page

2, [0025] – page 3, [0026]).

7.   Iyer discloses identifying location information (unique identifier identifying a

specific portion; page 3, 0028; location ID; page 3, 0030), and providing the location

information to the first computing device (at steps 66 and 68, the SA ID and/or Location

ID along with owner information are encoded in the visitor device; page 3, 0030).

However, Iyer does not specifically disclose the location information of the second

computing device, which maintains the state information. Yamamoto discloses

identifying the location of the second computing device, which maintains the state

requested by the message (identifying the locations of the users in a peer-to-peer; page

1, [0007]; current location of terminal; page 2, [0016]; page 3, [0046]-[0052]; page 4,

[0053], [0055]); and providing the location to the first computing device (page 5, [0074],

[0087]; page 8, [0138]). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the teachings of Iyer and Yamamoto

because Yamamoto's identifying and providing the location of computing device would

allow participants who are chatting in the chat room to keep track of their partners'

locations (Yamamoto, page 1, [0012]).

Iyer discloses storing information of the state in memory (84, fig. 5) (72, fig. 4b; page 1,

[0008], lines 10-18; temporary memory buffer; page 1, 0009; page 2, [0026]; page 3,

[0026]; page 3, [0030], lines 13-17). However, Iyer does not specifically disclose storing

information in non-persistent memory. Yasue discloses storing information of in non-

persistent memory (201b, fig. 3; stores the chat room data to RAM; page 8, 0132;

harassment report mail based on the report form input information stored to RAM of the

system memory 201 B; page 8, 0135-0136; in the message log of the chat room data

stored to RAM; page 8, 0137). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the teachings of Iyer and Yasue

because Yasue's non-persistent memory would provide faster access times than

persistent memory.

8.   As to claim 2, Iyer discloses the first and second computing device form a cluster

(members of the group; page 1, [0005]; page 1, [0012]; page 5, [0038], lines 1-11).

9.   As to claim 3, Iyer discloses the conversation manager is capable of maintaining

the locations of all states in the system (20, 22, fig. 1; 19, 20, fig. 6; page 2, [0025];

page 4, [0033]; page 4, [0034], lines 29-46).

10.   As to claims 4-6, Iyer discloses the information include a map of every state

leased, owned, or stored on it (visitor or exit; 96, fig. 7; owner; 102, fig. 7; page 1,

[0008], lines 10-18; fig. 2; owner name; page 3, [0026], [0028], [0030], lines 13-17; page

4, [0033], lines 5-8).

11.   As to claim 9, Iyer discloses the conversation manager is capable of periodically

determining the availability of computing devices (license right manager 19 can verify

the status of the visitors at predetermined time intervals; page 4, [0034], lines 39-42).

12.   As to claim 10, it is rejected for the same reasons set forth in claim 1 above. In addition, Iyer discloses a conversation partner (sender; client; fig. 1) capable of providing a message for a conversation (visitors can communicate with the owner and other visitors through message, chat rooms; page 5, [0038], lines 18-28).

13.   As to claim 11, Iyer discloses the message includes a conversation ID (fig. 4a; header portion includes a unique electronic identifier; page 3, [0028]).

14.   As to claim 20, Iyer discloses the first computing device is capable of contacting the conversation manager to determine the location of a state requested by the message using the conversation ID (page 3, [0028], lines 9-23; shared area ID and location ID along with owner information are encoded in the visitor device; page 3, [0030], lines 11-13).

15.   As to claim 21, Iyer discloses the first computing device is capable of answering a request for the state directly without contacting the conversation manager if it owns such state (it is possible that during the control of one owner, visitors can communicate with the owner without the assistance of the ARM; page 5, [0038], lines 15-18).

16.   As to claims 22-24, Iyer discloses the conversation manager is capable of

accepting the request for the location of a state from the first computing device (page 3,

[0028], lines 9-23; shared area ID and location ID along with owner information are

encoded in the visitor device; page 3, [0030], lines 11-13).

17.   As to claim 25, Iyer discloses the first computing device is capable of invoking

the state on the second computing device in order to respond to the conversation

message received (visitors can comment on the music CD...and ask to stop playing, to

fast forward, or to replay the CD...based on the reaction of the visitors, the owner wants

to make appropriate changes; page 5, [0038], lines 22-28).

18.   As to claim 26, Iyer discloses the conversation manager is capable of sharing a

state with at least two conversations (sharing of information through a communication

network; page 1, [0002], [0008], [0009]).

19.   As to claim 27, Iyer discloses the conversation manager is capable of tracking a

participating Web service that initiates conversation (license right manager 19 which

monitors the right of the owner to play and the right of the visitor to view the played

movie; page 4, [0034], lines 29-35; license right manager 19 can verify the status of the

visitors at predetermined time intervals; page 4, [0034], lines 39-42).

20.   As to claim 28, Iyer discloses the conversation manager is capable of sharing a

state with at least two Web services (a group of friends can share music CDs in the

shared area; page 5, [0038], lines 1-5; and joining the sessions of theses services (the

visitors are invited by the owner will be able to hear the music; page 1, [0009], lines 1-7;

page 1, [0012]; joining; page 2, [0019]).

21.   As to claim 29, it is rejected for the same reasons set forth in claims 1 and 10

above. In addition, Iyer discloses providing a conversation for a Web service (sharing

information through a web site; page 1, [0003]; page 1, [0009]; shared area has a

unique identifier such as a universal resource locator for the world wide web, contain

information; page 2, [0022], lines 12-22; page 5, [0041]); accepting a conversation

message from a conversation partner (visitors can communicate with the owner and

other visitors through message, chat rooms; page 5, [0038], lines 18-28); contacting a

conversation manager to determine the location of the state for a conversation (when an

attempt is made to use or access a particular piece of subject information which stored

in a file, the visitor client will have to verify the existence of the owner, the shared area

ID, and the location ID; page 3, [0028], lines 9-23; shared area ID and location ID along

with owner information are encoded in the visitor device; page 3, [0030], lines 11-13);

accepting (receiving) the location of a state from the conversation manger (page 3,

[0028], lines 9-23; shared area ID and location ID along with owner information are

encoded in the visitor device; page 3, [0030], lines 11-13); invoking a state on a

computing device in order to respond to the conversation message received (visitors

can comment on the music CD...and ask to stop playing, to fast forward, or to replay

the CD...based on the reaction of the visitors, the owner wants to make appropriate

changes; page 5, [0038], lines 22-28).

22.   As to claim 30, it is rejected for the same reasons set forth in claim 29 above. In

addition, Iyer discloses invoking a state on a computing device in order to respond to

the conversation message received (visitors can comment on the music CD...and ask

to stop playing, to fast forward, or to replay the CD...based on the reaction of the

visitors, the owner wants to make appropriate changes; page 5, [0038], lines 22-28)

directly without contacting the conversation manager (it is possible that during the

control of one owner, visitors can communicate with the owner without the assistance of

the ARM, i.e., authentication and management, 20, fig. 1; page 5, [0038], lines 15-18).

23.   As to claim 31, it is rejected for the same reasons set forth in claim 3 above.

24.   As to claims 32 and 34, it is rejected for the same reasons set forth in claims 4-6

above.

25.   As to claim 37, it is rejected for the same reasons set forth in claim 9 above.

26.   As to claim 39, it is rejected for the same reasons set forth in claims 22-24

above.

27.   As to claim 40, it is rejected for the same reasons set forth in claim 26 above.

28.   As to claim 41, it is rejected for the same reasons set forth in claim 27 above.

29.   As to claim 42, it is rejected for the same reasons set forth in claim 28 above.

30.   As to claim 43, it is rejected for the same reasons set forth in claim 29 above.

In addition, Iyer discloses a machine readable medium (memory, 84, fig. 5) having

instructions (computer program) stored thereon that when executed by a processor

(processor, 82, fig. 5) cause a system to (page 3, [0031]).

31.   As to claim 44, it is rejected for the same reasons set forth in claim 30 above. In

addition, Iyer discloses a machine readable medium (memory, 84, fig. 5) having

instructions (computer program) stored thereon that when executed by a processor

(processor, 82, fig. 5) cause a system to (page 3, [0031]).

32.   As to claim 45, it is rejected for the same reasons set forth in claim 3 above.

33.   As to claims 46 and 48, it is rejected for the same reasons set forth in claims 4-6

above.

34.   As to claim 51, it is rejected for the same reasons set forth in claim 9 above.

35.   As to claim 53, it is rejected for the same reasons set forth in claims 22-24

above.

36.   As to claim 54, it is rejected for the same reasons set forth in claim 26 above.

37.   As to claim 55, it is rejected for the same reasons set forth in claim 27 above.

38.   As to claim 56, it is rejected for the same reasons set forth in claim 28 above.

39.   As to claim 57, it is rejected for the same reasons set forth in claim 29 above.

40.   As to claim 58, it is rejected for the same reasons set forth in claim 43 above.

In addition, Iyer discloses a computer data signal embodied in a transmission medium

(communications link; page 1, [0012]; communication network; page 2, [0022]; Internet;

page 3, [0029]).

41.   As to claims 59 and 60, Iyer discloses the conversation can be within the context

of a business application (sponsor the playing of particular songs for various

participating visitors; page 5, 0040).

42.   Claims 7, 8, 17, 18, 35, 36, 49 and 50 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Iyer, Yamamoto, Yasue, further in view of Eide et al.

(2004/0078455).

43.   As to claims 7, 8, 17 and 18, Iyer discloses copying information in violation of the

primary computing device (page 1, [0003], lines 13-14). However, Iyer does not

specifically disclose the state information on at least primary computing device can be

replicated to one secondary computing device; and setting the second computing

device as the new primary when the primary computing device fails. Eide discloses the

state information on at least primary computing device can be replicated to one

secondary computing device (page 1, [0003]; page 5, [0046]); and setting the second

computing device as the new primary (page 1, [0004], lines 6-11; page 5, [0047]). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teachings of Iyer, Yamamoto and Eide because Eide' backup

node would improve reliability and fault tolerant by allowing the backup node to continue

operating previously performed by the primary node in the event of primary node failure.

44.   Claims 35, 36, 49 and 50, they are rejected for the same reasons set forth in

claims 7, 8, 17 and 18 above.

Response to Arguments

45.   Applicant's arguments with respect to claims 1-11, 20-32, 34-37, 39-46 and 48-

51 and 53-60 have been considered but are moot in view of the new ground(s) of

rejection.

46.   In the remarks, applicants argued in substance that:

(1)   Both Iyer and Yamamoto adopt a model for indirect, many-to-many, message communication among multiple parties via a third party such as the "virtual area". In contrast, in the present invention is set up as only "between the first computing device and a conversation partner" or the message is received specifically "during a conversation with a conversation partner".

In reply to argument (1), the examiner respectfully disagrees. Iyer clearly discloses conversation between the first computing device and a conversation partner (page 1, 0010; conversation between an owner and a visitor; page 3, [0030]; negotiating the control of the virtual area between the first and the second users; page 5, claim 1) Furthermore, Yasue discloses exchanging messages by unicast (one-to-one communication...exchanging message between two people; page 1, 0006).

(2)   Different information storage devices. The independent claims 1, 10, 29, 30, 43, 44, 57 and 58 has been amended to include "storing information of the state in non-persistent memory", which is distinguishable from any persistent or permanent storage such as a hard drive.

In reply to argument (2), Claims 1-11, 20-32, 34-37, 39-46 and 48-51 and 53-60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. Contrary to the applicant's argument, Figure 1 of the present

application shows that state information is stored in a "Persistent Storage 111".

Furthermore, Yasue discloses storing information of in non-persistent memory (201b,

fig. 3; stores the chat room data to RAM; page 8, 0132; harassment report mail based

on the report form input information stored to RAM of the system memory 201 B; page

8, 0135-0136; in the message log of the chat room data stored to RAM; page 8, 0137).

Please see the paragraph 5 above.

Conclusion

47.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

Lemon et al, 2002/0188666 discloses lightweight dynamic service conversation

controller for tracking the state of an ongoing conversation between two computing

devices.

48.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jungwon Chang whose telephone number is 571-272-

3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang
November 18, 2005